

In re Moore S.

Caselaw No.

186 Neb. 67, 186 Neb. 158

Filed on

Friday, April 7, 2017

SUMMARY: A county attorney is free to dismiss a petition in juvenile court without the leave of the court at any time prior to trial.

On March 31, 1969, Moore struck a young girl while driving a motorbike and fled the scene of the accident. Moore admitted that he knew he struck the young girl at the time. The county attorney filed a petition in juvenile court with two counts; the court dismissed Count I, and the county attorney moved to dismiss Count II. The court overruled the motion to dismiss and adjudicated Moore.

The Nebraska Supreme Court reversed the adjudication and remanded with directions to dismiss the petition. The Court noted that proceedings in a juvenile court are quasi-criminal in nature, but are considered civil proceedings. Civil actions may be dismissed at any time before final submission of the cause and do not need leave of the court. Therefore, the dismissal of Count II by the county attorney was final and the case had been finally concluded.

Tags

Moore,
motion to dismiss
